

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
DONALD LUPINO, )  
)  
Defendant. )

4:00CR281

**MEMORANDUM  
AND ORDER**

I am in receipt of three copies of a report from the U.S. Medical Center for Federal Prisoners. Essentially, the report indicates that the defendant is competent to stand trial, that the defendant was not insane at the time of the alleged violations of supervised release, and that the defendant does not require placement in an inpatient medical facility if he is sentenced to prison. With the foregoing in mind,

IT IS ORDERED that:

1. The report mentioned above is delivered to the Clerk and the Clerk shall file the report under seal. The Clerk shall provide counsel of record and the probation officer with a copy of the report.
2. The defendant shall appear before me on Thursday, December 18, 2008, at 1:00 p.m. At that time, the defendant and his counsel shall be prepared to admit or deny the allegations of the petition (filing [121](#)) and, if admitted, the defendant and his counsel shall be prepared to proceed to disposition (sentencing) immediately following the admission. If the defendant denies the allegations, it is my present intention to set another date for a bench trial.

3. The defendant is found competent to stand trial.
4. The defendant is found to have been sane at the time of the commission of the alleged violations of supervised release.
5. If either party wishes to challenge the rulings set forth in paragraph 3 or paragraph 4 above, such a party shall file a motion, with supporting briefs and affidavits, no later than one day before the hearing scheduled in paragraph 2 above.

DATED this 1<sup>st</sup> day of December, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge